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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,249	07/31/2003	Shawn W. Campbell	HONDX 101	1598
2555	7590	05/03/2004	EXAMINER	
KREMBLAS, FOSTER, PHILLIPS & POLLICK 7632 SLATE RIDGE BOULEVARD REYNOLDSBURG, OH 43068			CHENEVERT, PAUL A	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/631,249

Applicant(s)

CAMPBELL ET AL.

Examiner

Paul A. Chenevert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 8-11, 18 and 19 is/are rejected.
- 7) ☒ Claim(s) 2-7 12-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because of the following minor informalities:
  - a. Applicant has filed informal drawings with this application. Formal are required before issuance.
  - b. Reference number “100” is missing from Figure 5.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities: paragraph 0017, line 2, “18” should be changed to “20” for the ‘opening’.

Appropriate correction is required.

### ***Claim Objections***

3. Claim 19 is objected to because of the following informalities: claim 19 should depend from claim 18 (see claim 10). Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 9, 10, 18, & 19 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a box-beam parcel shelf, does not reasonably provide enablement for the box shape defined with no extraneous panel material. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims.

It appears that the parcel shelf (120) in Figure 2 (computer detailed image) is contemplated to have a large upper panel (not labeled) joined to a smaller lower panel (shelf member 130). When the lower panel is joined to the upper panel there would (theoretically) be a portion of the upper panel that would overhang the lower panel (e.g. extra panel material). This would imply that, as pertaining to claims 9 & 18, the upper horizontal panel's lateral edges would not join up with the vertical panels' lateral edges. The confusion is increased by the parcel shelf shown in Figure 3 (hand drawn informal drawing) having the upper panel member (122) nearly the same size as the lower panel member (132), thus having all lateral edge terminate in either joints or bends, as is claimed in claims 9 & 18, and having no extra panel material hang over either the front or rear vertical panels.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 11, 18, & 19, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Watari (U.S. Patent 5,123,696).

Watari discloses an automobile body having improved resistance to torsional deformation, the body comprising: a rear inner panel (); a damper stiffener (package junction 15) rigidly attached (connecting flange 15a) to the rear inner panel (rear pillar reinforcement) near an automobile suspension (strut 30); a damper stiffener extension (rear window lower frame junction lower member 16L) extending from rigid attachment to the damper stiffener to rigid attachment to a body member (as broadly claimed corner plate 17) positioned rearward of the damper stiffener; and a box-beam parcel shelf (rear window lower frame 14) rigidly mounted to the rear inner panel and at a light side to the right rear inner panel. In regards to claims 18 & 19, as understood the box-beam parcel shelf has four sides joined together and substantially spaced apart.

8. Claims 8, 9, & 10, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Dange et al.

Dange et al. disclose an automobile body (convertible 12) having improved resistance to torsional deformation, the body comprising: a rear inner panel (wheelhouse panel 24) on a left side of the automobile; a rear inner panel (wheelhouse panel 24) on a right side of the

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automobile; a box-beam parcel shelf (structural cross car beam assembly 30) rigidly mounted at a left side to the left rear inner panel and at a right side to the right rear inner panel. In regards to claims 9 & 10, as understood the box-beam parcel shelf has four sides joined together and substantially spaced apart.

### ***Allowable Subject Matter***

9. Claims 2-7 & 12-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not show or make obvious Applicant's specific body member type.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Chenevert whose telephone number is 703-305-0837. The examiner can normally be reached on Mon-Fri (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul A. Chenevert  
Examiner  
Art Unit 3612

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A handwritten signature in black ink, appearing to read 'D. Glenn Dayoan', with a date '4/28/04' written to the right.

D. GLENN DAYOAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600